

REMARKS

Pursuant to the non-final Office Action mailed January 22, 2009, the Request for Continued Examination (RCE) as previously filed January 7, 2009, has been entered. Claims 1-45 have been rejected by the present Office Action. After entry of the present amendment, Claims 1-45 remain pending in the application. The present amendment amends independent claims 1, 9, 17, 27, and 37 to clarify the scope of the claimed inventions of claims 1, 9, 17, 27, and 37. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-45 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. To clarify the scope of these claims, the term “predefined” in each of the independent claims has been changed to “assigned”. Applicants’ specification at least at paragraph [0156] supports this amendment, wherein, “Each of the multiple categories can then be assigned an identifier, and each assigned identifier can be advantageously configured to improve the manner in which checks are processed.” Amendments to claims 1, 9, 17, 27, and 37 presented above are believed to traverse this rejection.

Claim Rejections Under 35 U.S.C. § 102

In the non-final Office Action, claims 1-45 were rejected under 35 U.S.C. §102(e) as being anticipated by Goeller, et al., U.S. Patent Publication No. 2002/0178112 (“Goeller”). The present amendment amends independent claims 1, 9, 17, 27, and 37 to clarify that the claimed inventions of claims 1, 9, 17, 27, and 37 can include “wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction comprising face-to-face check transactions, both face-to-face and non-face-to-face check transactions, non-face-to-face check transactions, or non-face-to-face check transactions having common check amounts” (underlining supplied). These amendments are fully supported by the Applicants’ specification in at least, for example, paragraphs [0157] through [0159], which state in part:

FIG. 10 illustrates a block diagram 490 wherein an exemplary merchant "A" 492 has a plurality of merchant identifiers 494a-d denoted as ID1, ID2, ID3, ID4. The multiple identifiers of the merchant 492 may be serviced by one or more location-base devices. As further shown in FIG. 10, the merchant 492 is linked to the check processing service 104 via the link 106. The check processing service 104 is depicted as comprising a database 500 that includes information about the various subscribing merchants. Information 502a about merchant A may include a plurality of configurations to be used, depending on the merchant A's identifier. Thus for example, configurations A1, A2, A3, A4 correspond respectively to identifiers ID1, ID2, ID3, ID4.

FIG. 11 illustrates a specific example where each the four exemplary identifiers are assigned to preferentially handle selected types of check transactions. The "preferential handling" may be facilitated by a single POS device wherein a default set of options are loaded into the device upon the selection of the identifier. The single POS device may still allow other functions (not associated with the selected configuration) to be performed via one or more menus. The preferential configuration may also be implemented via a plurality of POS devices associated with the merchant, with each device having similar default set of preferred options and other selectable functions.

Thus in the exemplary configuration of FIG. 11, merchant A is depicted as having the exemplary identifier ID1 (494a) associated with configuration A1 that preferentially handles face-to-face checks (as indicated by arrow 506a). Similarly, the ID2 (494b) is associated with configuration A2 that preferentially handles both face-to-face and non-face-to-face checks (as indicated by arrow 506b). The ID3 (494c) is associated with configuration A3 that preferentially handles non-face-to-face checks (as indicated by arrow 506c). The ID4 (494d) is associated with configuration A4 that preferentially handles non-face-to-face checks having common check amounts (as indicated by arrow 506d). As previously described, these exemplary preferred configurations can be implemented via one or more POS devices.

In contrast to the claimed invention of amended independent claims 1, 9, 17, 27, and 37 *Goeller* does not disclose or suggest the element “wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction comprising face-to-face check transactions, both face-to-face and non-face-to-face check transactions, non-face-to-face check transactions, or non-face-to-face check transactions having common check amounts” (underlining supplied). Furthermore, *Goeller* does not disclose or suggest the element “wherein each of the plurality of user selectable identifiers is assigned by the merchant prior to electronically processing the check” (underlining supplied). While *Goeller* relates to automatically or manually selecting one of three service options such as Conversion Only, Verification with Conversion, and Guarantee with Conversion (see paragraphs [0039] to [0041]), none of these service options are assigned by the merchant prior to electronically processing a payment or check. Furthermore, none of the three service options of *Goeller* appears to be associated with at least one of the selected types of check transactions since all three service options appear to be unconcerned with whether the check transactions are face-to-face or non-face-to-face. The three service options of *Goeller* appear to be assigned by a check or payment processor, and not by a merchant. *Id.*


For at least the reasons provided above, amended independent claims 1, 9, 17, 27, and 37 should be allowable over the cited reference.

Dependent claims 2-8, 10-16, 18-26, 28-36, and 38-45 are ultimately dependent from at least one of the amended independent claims 1, 9, 17, 27, and 37, for which arguments of patentability have been provided above. If the base independent claims are allowable over the cited reference, the corresponding dependent claims should also be in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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